

REMARKS

SECTION 101 REJECTIONS

Claims 7-15 were rejected under 35 U.S.C. §101 as being directed to non-statutory subject matter. In particular, claims 7-15 were asserted to be drawn to a "program" *per se* and as such were considered to be non-statutory subject matter.


Claims 7-15 are directed to a computer-readable storage medium having computer-executable instructions stored thereon for performing a series of steps. As indicated by MPEP §2106.01(I): "A claimed computer-readable medium encoded with a computer program is a computer element which defines structural and functional relationships between the computer program and the rest of the computer which permit the computer program's functionality to be realized, and is thus statutory." This is to be distinguished from a claim to a computer program *per se* which attempts to claim a computer program directly using wording such as "A computer program comprising." Since claims 7-15 are directed to a computer-readable storage medium having computer-executable instructions stored thereon, they are not directed to a program *per se*.

Since MPEP §2106.01(I) indicates that computer-readable storage media represent statutory subject matter, and since claims 7-15 are directed to a computer-readable storage medium and not to a program listing *per se*, claims 7-15 represent statutory subject matter and are in form for allowance. Applicants gratefully acknowledge the allowance of claims 1-6, 16 and 17 in the application and respectfully request reconsideration and allowance of claims 7-15.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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